

Misbranding was alleged for the reason that the statement on the can label, "Anti-Septic," was false and misleading when applied to an article that was not antiseptic. Misbranding was alleged for the further reason that the statement on the can label, "For Injuries and Ailments," and on the carton, "Is a general curative," were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

**19375. Adulteration and misbranding of morphine sulphate, caffeine, and sodium benzoate, iron arsenite, nitroglycerin, strychnine sulphate, cocain hydrochloride, ergot, procaine and epinephrine carpules. U. S. v. Cook Laboratories (Inc.). Plea of guilty. Fine, \$750. (F. & D. No. 22557. I. S. Nos. 15059-x, 15067-x, 15069-x, 15071-x, 15072-x, 15076-x, 15077-x, 15078-x, 15081-x, 15084-x.)**

This action involved 10 lots of various drugs in carpules (or ampuls), the drugs consisting of 2 lots of morphine sulphate, 2 lots of nitroglycerin, and 1 lot each of caffeine and sodium benzoate, iron arsenite, strychnine sulphate, cocaine hydrochloride, ergot, and procaine and epinephrine. Such drugs are usually intended for hypodermic, intravenous, or muscular injection. In each instance the carpules were found to contain a smaller amount of the therapeutic agent, or agents, than declared on the label.

On September 10, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Cook Laboratories (Inc.), a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, from the State of Illinois into the State of Louisiana, in part on or about November 29, 1926, and in part on or about December 13, 1926, of quantities of drugs that were adulterated and misbranded. The articles were labeled in part: "Cook Laboratories, Inc., Chicago, U. S. A." The labels of the articles contained further statements, the pertinent portions of which are set forth hereinafter.

Adulteration of the said drugs was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the carpules in two lots of the said drugs was represented to contain 0.016 gram (one-quarter of a grain) of morphine sulphate and 0.032 gram (one-half of a grain) of morphine sulphate, respectively, whereas each of them contained less than represented, the former containing not more than 0.0137 gram, i. e., approximately one-fifth of a grain, and the latter containing not more than 0.02595 gram, i. e., approximately two-fifths of a grain, of morphine sulphate; each of the carpules in one lot was represented to contain 0.49 gram (7½ grains) of caffeine and sodium benzoate, whereas each of them contained not more than 0.4123 gram, i. e., approximately 6,363 grains, of caffeine and sodium benzoate; each of the carpules in one lot was represented to contain 0.032 gram (one-half of a grain) of soluble iron arsenite, equivalent to 0.005 gram (one-twelfth of a grain) of metallic iron, and 0.00045 gram (one one-hundred-and-fortieth of a grain) of arsenious acid, whereas each of them contained the equivalent of not more than 0.000243 gram, i. e., approximately one two-hundred-and-sixty-fifth of a grain, of arsenious acid; each of the carpules in two lots was represented to contain 0.0013 gram (one-fiftieth of a grain) of nitroglycerin and 0.00065 gram (one one-hundredth of a grain) of nitroglycerin, respectively, whereas each of the former contained not more than 0.000206 gram, i. e., approximately one three-hundred-and-fifteenth of a grain, of nitroglycerin and each of the latter contained not more than 0.0001874 gram, i. e., one three-hundred-and-forty-fifth of a grain, of nitroglycerin, each of the carpules in one lot was represented to contain 0.002 gram (one-thirtieth of a grain), of strychnine sulphate, whereas each of them contained not more than 0.000754 gram, i. e., approximately one eighty-fifth of a grain, of strychnine sulphate; each of the carpules in one lot was represented to contain 0.016 gram (one-fourth of a grain) of cocaine hydrochloride, whereas each of them contained not more than 0.0119 gram, i. e., approximately three-sixteenths of a grain, of cocaine hydrochloride; each of the carpules in one lot was represented to contain 2 grams (31 grains) of ergot, whereas each of them contained not more than 0.5 gram, i. e., approxi-

mately 7.7 grains of ergot; and each of the carpules in one lot was represented to contain 0.022 gram (one-third of a grain) of procaine and 0.00005 gram (one twelve-hundredth of a grain) of epinephrine, whereas each of them contained not more than 0.0175 gram, i. e., approximately four-fifteenths of a grain of procaine and not more than 0.0000025 gram, i. e., approximately one twenty-six thousandth of a grain of epinephrine.

Misbranding was alleged for the reason that the following statements appearing in the label of the respective products were false and misleading, since the carpules contained, in each instance, a smaller quantity of the declared drug than represented: "Carpule Morphine Sulphate 0.016 Gm. ( $\frac{1}{4}$  Gr.);" "Carpule Caffein and Sodium Benzoate 0.49 Gm. ( $7\frac{1}{2}$  Gr.);" "Carpule" contains 0.032 Gm. ( $\frac{1}{2}$  gr.) soluble Iron Arsenite, equivalent to 0.005 Gm. ( $\frac{1}{2}$  gr.) metallic iron and 0.00045 Gm. (1/140 gr.) arsenious acid;" "Carpule Nitroglycerin 0.0013 Gm. (1/50 gr.);" "Carpule \* \* \* Nitroglycerin 0.00065 Gm. (1/100 Gr.);" "Carpule Strychnine Sulphate 0.002 Gm. (1/30 Gr.);" "Carpule Cocaine Hydrochlorid 0.016 Gm. ( $\frac{1}{4}$  Gr.)" "Ergot 2 Gm. (31 Gr.) \* \* \* carpule;" "Carpule Morphine Sulphate 0.032 Gm. ( $\frac{1}{2}$  Gr.);" and "Carpule contains Procaïn 0.022 Gm. ( $\frac{1}{3}$  Gr.) and Epinephrin 0.00005 Gm. (1/1200 gr.)."

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$750.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19376. Misbranding of Mike Martin's Liniment.** U. S. v. 364 Dozen Pack-  
ages, et al., of Mike Martin's Liniment. Decree of condemnation  
with provision for release under bond. (F. & D. No. 27671. I. S. No.  
42901. S. No. 5696.)

Examination of samples of Mike Martin's liniment from the shipment herein described having shown that the bottle and carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 18, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 364 dozen small and 32 dozen large packages of the said Mike Martin's liniment, remaining in the original unbroken packages at Atlantic City, N. J., alleging that the article had been shipped by Vasco Products (Inc.), Brentwood, Md., in part on or about September 4, 1931, and in part on or about September 11, 1931, and had been transported from the State of Maryland into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (11 per cent), including methyl salicylate, and capsicum oleoresin incorporated in a fatty oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "This Liniment \* \* \* stimulates circulation, reduces congestion or inflammation \* \* \* Rheumatism—(All Kinds). \* \* \* Stomach Cramps— \* \* \* Stiff Neck— \* \* \* Ear-ache;" (carton) "Recommended for Relief of Pain Caused by \* \* \* Stiff Neck, Swollen Joints, Rheumatism, \* \* \* Lame Back, Lumbago, Congestion. \* \* \* [Testimonial] 'My knee was seriously injured and I attribute my recovery exclusively to the use of Mike Martin's Liniment;'" (circular) "Your Aches, Pains, Rheumatism, Etc., Can Be Banished \* \* \* for their aches, pains, swollen stiff joints, lame back, etc., \* \* \*. Some of the Stars of today are often feeling achy, lame, stiff, old and rheumatic, yet to see them prancing out onto the ball field full of pep and youthful spirits you'd never dream they ever had an ache or pain, in their lives. You folks who in damp, cold weather feel achy, rheumatic or stiff, or after a little exercise become lame, take a tip from me. \* \* \* get somebody \* \* \* to rub you thoroughly with the liniment we use at the ball park— \* \* \*. If you have \* \* \* it vanishes like magic along with all signs of pains, stiffness, ache and lameness due to rheumatism, etc. \* \* \* Mike Martin's Liniment puts \* \* \* health-glow and a tingle of youthful